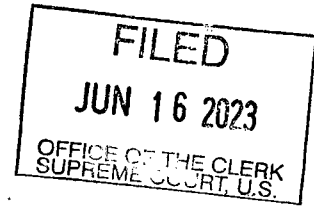


23-5308
No. 23

ORIGINAL



IN THE

SUPREME COURT OF THE UNITED STATES

"States" Manship v. Virginia ELECT

James "States" Manship,
Virginia Voter and Veteran, Pro Se, IFP — PETITIONER
(Your Name)

vs.

Virginia Governor Glenn Youngkin, &
ELECT Commissioner Susan Beals — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Virginia supreme Court

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

James "States" Manship

(Your Name)

8659 Staples Mill Road

(Address)

Glen Allen - Henrico, Virginia 23228

(City, State, Zip Code)

804-955-8664 (c) 703-NSA-1776 (w)

(Phone Number)

QUESTION(S) PRESENTED

related to FIRST AMENDMENT RIGHTS

of HONEST VOTE (FREE SPEECH) & PETITION for REDRESS OF GRIEVANCES to a GRAND JURY

- 1) Is an Election Expedited Injunction warranted to stop the ELECT (Virginia Department of Elections, and similar agencies in other States), in State or Federal Elections, from using Electronic Voting Machines, repeatedly revealed by experts to be flawed and vulnerable?
- 2) May a Citizen present facts to a Grand Jury, instead of Attorney General investigators biased for their ELECT Defendant clients, or in other agencies, to verify Virginia law and Federal policies were thoroughly, and honestly completed to "Certify" Electronic Voting Machines?
- 3) Does the 1796 "Innovation" of the Unit Rule Plan that cost Jefferson 4 Electors in NY so he would have won 72 to 67, so the "Winner Take All" plan overturns or corrupts the Framers' Vision of District based Popular Vote Presidential ELECTOR appointment plan of Delegate James Wilson of 2 June 1787, so to invisibly enable and encourage Political Party Power Brokers to Steal Elections, in one or a few Precincts in one or more Counties so to obtain all the State's Electoral Votes, in today's world using Electronic Vote count systems, thereby disenfranchising minority voters in rural Districts from their First Amendment Free Speech Right to Vote for President?

+++++

THE PAST IS PROLOGUE

On Friday, 17 March 2023, at a special sitting of the U.S. supreme Court in a speech honoring the departed yet much admired Justice Ruth Bader Ginsberg for whom she clerked,

Solicitor General Elizabeth B. Prelogar spoke these wise words:

*"She consistently voted to bolster the democratic process,
defending the core principle that voters should chose their representatives,
not the other way around."*

Stalin's former personal secretary, Boris Bazhanov, in memoirs written after his retirement, claimed Stalin said:

*"I regard it as completely unimportant who in the party will vote and how,
but it is extremely important who will count the votes and how."*

This Petition appeals Virginia policy & rulings that enable elected and appointed "representatives" to chose which Elite count our Vote and How; NOT properly by hand count, by We the People, Virginia Voters.

On 14 June 2022, the Federal Court Document in **Georgia, 1:17-cv-02989-AT Document 1681** was **un-Sealed**, sharing wise words to be heeded: "All voting systems face cybersecurity risks. As the **National Academies of Sciences, Engineering, and Medicine** recently concluded

"[t]here is no realistic mechanism to fully secure vote casting and tabulation computer systems from cyber threats".

LIST OF PARTIES

[x] All parties appear in the caption of the case on the cover page.

[] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

As the former Democrat Governor Terry McAuliffe did, who Respondent Youngkin defeated in 2021, when McAuliffe in 2017 "went on the warpath" to ban DRE/Touch Screen Vote Counting Systems that had been shown in 2011 by Argonne National Laboratories could be "hacked" by an 8th grader with \$26 worth of Electronic Parts from a half-mile away, the current Governor, **Respondent Glenn Youngkin** could and should, through his appointed Members of the Board of Elections, direct his appointed Commissioner of ELECT, **Respondent Susan Beals**, to ban the use of Electronic Vote Count Tabulator Scanners (on 24 May 2022 shown to UNDER-Count by 2810 votes in 1/5 of one county, DeKalb in Georgia) and for ELECT to direct positive change for Virginia to follow the French model since 2007 after trying and abandoning Electronic Vote Count systems, France now does Hand Count of Paper Ballots on Election Day.

RELATED CASES USDC ND Georgia, 1:17-cv-02989-AT

One way of looking at this case, it has three facets, or questions, all related to Honest Elections.
The first two questions are likely "Cases of First Impression":

(1) Citizen access to present facts to Citizens on a Grand Jury to investigate objectively whether or not Government employees, and Government contractors, have thoroughly and honestly performed the legislated requirements for CERTIFICATION of Electronic Vote Counting system, to be properly completed before use in an Election is permitted.

Most, if not all done to date, of such Electronic Vote Counting system "investigations" are done by Government employees or by Government contractors who have an obvious, inherent "Conflict of Interest" so are NOT objective. Voters become victims of this crime.

This is a "First Impression" for the Grand Jury on First Amendment Right of Petition for Redress of Grievances, in regard to the Right of Free Speech, with Citizens' Voice heard in their Vote being Electronically altered. **U.S. v. Morton Salt, 1950** relates as to the powers of the Grand Jury.

(2) WHY, or rather HOW, are Elections being stolen? Obviously, Why is to win. Not so obviously HOW - is due to an "Innovation" from the Election of 1796. HOW is the Unit Rule Plan, or "Winner Take All" Plan, of States appointing Presidential Electors. The "Take All" Plan enables and encourages Political Party Power Brokers to "steal" or manipulate the vote numbers in one or a few precincts in one or more Counties so to be awarded ALL of the States' Electoral Votes. This undermines Equal Representation for minority rural voters.

A "first impression", the Petitioner calls on the Justices to carefully read the second part of the 17th Amendment, that fairly could be interpreted to DICTATE States use District based Popular Vote for assignment of Presidential Electors, as it did for Senators Popular Vote.

(3) The First Amendment Petition for Redress of Grievances is "given teeth" by a Citizen being granted an Injunction against Executive Branch Actions by the Judicial Branch, in this case against using Electronic Vote Count systems not "Certified" per legislated requirements.

RULES of the Supreme Court of the United States Effective January 1, 2023 on page 11 and 12 state: Rule 14 (c): "If the Petition prepared under Rule 33.1 exceeds **1500 words or exceeds five pages** if prepared under Rule 33.2, a table of contents and a table of cited authorities. The table of contents shall include the items contained in the appendix." Petitioner herein provides as **Appendix A a 5 page, 1499 word Petition**, AND as Appendix B, a 39 page Petition with Content and Authorities.

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APPENDIX H	USDC EDV Richmond 3:12-cv-891, 16 December 2012 " History of "Electronic Vote Machine Frauds" , (seeking Court Injunction on Virginia Governor McDonnell from signing "Certification of Electors" due to Electronic Election Fraud); https://ecf.vaed.uscourts.gov/doc1/18914750145
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TABLE OF AUTHORITIES CITED

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Delaware v. New York, 1966
<https://www.scribd.com/document/331930037/Delaware-v-New-York-1966#>
Thornburg v. Gingles (1986)
Kennedy v. Bremerton School District, 7 June 2022
United States v. Morton Salt Company, 338 U.S. 632, 642-643) (1950)
Virginia v. Eddie Bell (case name?) (2008) Oral Arguments before SCOTUS - https://www.supremecourt.gov/oral_arguments/argument_transcripts/2008/07-1223.pdf
FAVORITO et al. v. WAN et al., A22A0939, Georgia Court of Appeals, 11 May 2023,.
Weinberger v. Romero-Barcelo, 456 U.S. 305, 312 (1982)
Curling v. Raffensperger, USDC NDGA Civil Action No. 1:17-CV-2989-AT
ex rel. *Maras v. LaRose*, Slip Opinion No. 2022-Ohio-3852 No. 2022-1270

STATUTES AND RULES CONSTITUTION

U.S. CONST. art. II §1.¶2

U.S. CONST. amendment 1

U.S. CONST. amendment 5, 9, 10

U.S. CONST. amendment 14

U.S. CONST. amendment 17

LEGISLATIVE MATERIALS

Records of the Federal Convention, 2 (May 29, 1787), 21

Congressional Record, 6 January 2005 and 6 January 2021

Library of Congress - <https://www.loc.gov/resource/mgw2.024/?sp=239&st=text>

The wise words of Washington are in essence “The Spirit of George Washington” in these pages

Department of Justice <https://www.justice.gov/opa/speech/solicitor-general-elizabeth-prelogar-delivers-remarks-special-sitting-supreme-court>

The Austin Statesman <https://www.statesman.com/story/news/politics/politifact/2022/01/28/fact-check-did-biden-stalin-say-same-thing-counting-votes/9241066002/>
What did Lenin say about Who Votes versus How Votes are Counted?

The Georgia Record <https://www.georgiarecord.com/dekalb-county-recount-shows-massive-difference-between-machine-count-and-hand-count-from-may-24th-primary-election-results-changed-electronic-database-suspected/>

NBC News and MSNBC News <https://www.nbcnews.com/id/wbna44706301> found by EPIC Search (Hidden on Google and other Browsers) on 31 May 2023 originally seen as: http://www.msnbc.com.msn.com/id/44706301/ns/technology_and_science-security not revealed, and not forwarded to the new link, by a Google Search on 31 May 2023.

Most Recent SCOTUS Pro Se - <https://www.oklahoman.com/story/news/columns/2019/12/15/us-supreme-court-accepts-new-oklahoma-case-about-indian-reservations/60414059007/>

The New York Times - <https://www.nytimes.com/2010/11/06/us/politics/o6religion.html>

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☐ For cases from **federal courts**:

~~The opinion of the United States court of appeals appears at Appendix _____ to the petition and is~~

- ~~☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.~~

~~The opinion of the United States district court appears at Appendix _____ to the petition and is~~

- ~~☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.~~

☒ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix C to the petition and is

- ☐ reported at Supreme Court of Virginia; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the Supreme Court of Virginia court appears at Appendix C to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☐ For cases from federal courts:

The date on which the United States Court of Appeals decided my case was _____.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from state courts:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix ____ C ____.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix ____ C ____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

§1257(a) Final judgments or decrees rendered by the highest court of a State in which a decision could be had, **may be reviewed by the Supreme Court by writ of certiorari** where the validity of a treaty or statute of the United States is drawn in question or where the validity of a statute of any State is drawn in question on the ground of its **being repugnant to the Constitution**, treaties, or laws of the United States, or where any title, right, privilege, or immunity is specially set up or claimed under the Constitution or the treaties or statutes of, or any commission held or authority exercised under, the United States.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

“...defending the core principle that voters should chose their representatives, not the other way around.”

~ Solicitor General Prelogar speaking on Justice Ruth Bader Ginsberg

This Constitution for the United States of America, as titled in its Preamble, was different from the Articles of Confederation and Perpetual Union in several ways, one being that the “Chief Magistrate” was to be elected by other than a direct vote of the Legislature, instead by Popular Vote indirectly by vote tallies within Districts in each separate State.

This wise way of voting provided for local voice of Voters to be preserved, so not to be Disenfranchised by voters in other localities in the State, or “stolen” by Political Party Power Brokers manipulating votes in a few localities in the State, and it also provides for State Sovereignty, individual State Districts not being lost in a National Popular Vote.

In his Fare Well Address of 17 September 1796, President Washington wrote:

“...the will of a party, often a small but artful and enterprising minority of the community... are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people...”

and

“One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts.

You can not shield yourselves too much against the jealousies and heart-burnings which spring from those misrepresentations:...”

and

“...resist with care the spirit of innovation upon its principles, however specious the pretexts. One method of assault may be to effect, in the forms of the Constitution, alterations which will impair the energy of the system, and thus to undermine what cannot be directly overthrown.”

The Framers’ wise way was “undermined” or “overthrown” in the Election of 1796 with the “innovation” used in New York and other Federalist Party dominated States that is called by several names - “Unit Rule”, “General Ticket”, “State Slate”, or “Winner Take All”. The “Take All” plan enables and encourages Political Party Power Brokers to manipulate votes. Without the “Unit Rule” in New York, Jefferson would have won 72 to 67 Electoral Votes.

The proposal of 2 June 1787 was by Pennsylvania Delegate James Wilson who was the law instructor to George Washington’s nephew Bushrod Washington, both later Justices. The Wilson proposal was unique in that it proposed Popular Vote for President, but through Districts in each State, not Popular Vote totaled from all the States. This wise proposal allowed for the votes from rural Districts to not be lost by the flood of votes from urban Districts.

The “specious pretext” “innovation” today is that Electronic Vote Count tabulators are “essential”. Elected representatives have written laws that require Electronic Voting. But France with 65.5 million, almost equal to CA and TX combined, has since 2007 after trying but abandoning Electronic Voting, now does Hand Count of Paper Ballots on Election Day. p21

STATEMENT OF THE CASE

Since 2012, long before the contested Election of 2020, Petitioner has been amazed and dismayed by the lack of awareness of Public Employees who serve as Virginia ELECT Department of Elections workers, and County and City Voter Registration Office workers as to Vulnerability Studies by Government Laboratories, University researchers, and other Technical entities showing the un-reliability of Electronic Voting Machines. The **2011 test by Argonne National Laboratory** revealed that with **\$26 worth of easily available electronic parts** with a sheet of instructions, **an 8th Grader can assemble a “Hacking” device to change the output** of the DRE TouchScreen voting machines from a half mile away!

Petitioner as a Precinct Captain in the Belle View Precinct of the Mount Vernon District of Fairfax County noted an “odd” voting result, one that appeared to be “pattern voting” as from a computer. As a former Navy Cryptology (Electronic Security) officer, Petitioner analyzed this to be due to Electronic Voting devices. Petitioner conveyed his concern to government employees, political party leaders, and even elected servants, yet was ignored, if not mocked for expressing his concerns about Electronic Vote errors.

Fortunately, Governor McAuliffe went on the war path to ban that type of DRE Voting machine by his Board of Elections on 8 September 2017, 60 days before the General Election, to be replaced by Electronic Vote Count Tabulator Scanners, arguably worse. Recall the Petitioner had informed Virginia ELECT in 2012, but as a “common citizen” Petitioner was ignored. The 2020 Election caused MANY voters to question the reliability and accuracy of Electronic Vote Count Tabulator Scanners, but were mocked as “Trump Election Deniers”. On **24 May 2022**, a “God-Send” in a Democrat Only Primary Election a 3rd place candidate demanded an Hand Count of Paper Ballots, that **proved the Electronic Vote Count Tabulator Scanners were 2810 votes short!** She went from 3rd to 1st and won the Election.

These and other examples of the unreliability of Electronic Vote Count systems were part of testimony to the Respondent Beals by the Petitioner in August and September 2022. Petitioner asked for evidence that the ELECT employees, or contractors, had according to the Code of Virginia requirements “Certified” for use in Virginia Elections the various Electronic Vote Systems that had been purchased. Petitioner was ignored, so he filed a FOIA request, and ELECT responded with “FOIA Games” - don’t answer and run out the clock. On 24 October 2022, Petitioner met with the Assistant Attorney General (AAG) who defends ELECT, with an Expert Witness Vote Systems Test Technician on the phone with the AAG. Still no cooperation from Virginia ELECT, so on 26 Oct 2022 Petitioner filed a Petitions for Injunction and for Grand Jury in City of Richmond Circuit Court. More “legal games” by AAG resulted in the Petitions being Denied. Petitioner filed an Election Expedited Appeal to the Virginia supreme Court on 4 November 2022. The Virginia supreme Court denied the Appeal on 7 November 2022. Petitioner filed a Motion for Rehearing on 6 December 2022, and the Virginia supreme Court denied that on 20 March 2022. After release of a Georgia Federal Court supportive document on 14 June 2022, Petitioner filed to the U.S. supreme Court on 16 June 2022, on the 86th day of a 90 day “window”. The submission was returned to be reformatted using the PDF forms provided by the SCOTUS Emergency Application Clerk, Mr. Robert Meek with instructions to return as soon as possible that I believe is within 60 days, but I am working for 30 days.

REASONS FOR GRANTING THE PETITION

Voting is the Voice of We the People in the choice of who are to be our Elected Servants. Voting is a part of the First Amendment Right of Freedom of Speech. When Elected Servants write legislation that requires Electronic Vote Count systems to be used, but do not allow a proper forum for Citizens to provide facts of vulnerability and unreliability of Electronic Vote Count system so to challenge their use, then the Voice of the People is muffled, or strangled, and any true sense of "democracy" dies.

When the elected representatives are choosing which "Elite" - Voting Vendors - are selected to sell their systems, and "so-called managed" by non-responsive public employees of the "ELECT Empire", who are NOT allowed, nor skilled, to inspect the circuit boards or the source code of the Voting computers, such laws define who will count the vote and how, so to a large extent the Elected are choosing the Voters, not the Voters choosing the Elected Servants, as Justice Ginsberg tried to defend as necessary in our nation.

Another First Amendment Right is to Petition the Government for Redress of Grievances. In this case, the Petitioner tried first to have the Judicial branch Circuit Court issue a Mandamus upon the Executive Branch agency, ELECT, to provide evidence by FOIA that the Laws (Code of Virginia) requirements of the Legislative Branch had been fully and properly completed. When that failed, Petitioner tried to get the same Circuit Court to convene a Grand Jury to investigate if ELECT had obeyed the Code of Virginia requirements. When that too was denied, the Petitioner appealed to the Virginia supreme Court, but due to the hearing on the papers being the day before Election Day, did not expect the Court to issue an injunction, so Petitioner filed a Motion for Rehearing to apply to future Elections. That too was denied.

The ELECT empire employees provide the "specious pretext" that Electronic Vote Count systems are "Mandatory" in today's world with large number of Voters, yet the Nation of France with 65.5 million, almost the size of California and Texas combined at 65.7 million, after trying Electronic Voting systems and ending use in 2007, today uses HAND COUNT of PAPER BALLOTS on ELECTION DAY. If France can hand count its paper ballot votes, so can CA, TX, Virginia and every other State in this Union!

Petitioner has been very patient trying to work with ELECT employees, and Attorney General assistants, but has been ignored time and time again, as have many other Citizen Voters with similar concerns.

UNIQUE to this Petition is this Petitioner is a well known American Historian who focuses on George Washington and this Constitution for the United States of America. **Where else will you see a political and historical analysis of the "Winner Take All" innovation of 1796 overturned the Framers' Vision of District Popular Vote of Presidential Electors?** This "innovation" enables and encourages Political Party Power Brokers to manipulate the vote in a few precincts in a few counties to "steal" or "take all" of the State's Electoral Votes that can "flip" the national election result. **Also UNIQUE** is the Petitioner's reading of the **second part of the 17th Amendment**, that could be read to require Elector appointment by States to be "appointed" by Popular Vote of the Voters of that District, not the Statewide Popular Vote.

CONCLUSION? Petitioner concludes that there is a mass of news reporting going back to at least 2006 on the failures of Electronic Voting that after the 2016 Election of Trump the Democrats in Congress became very vocal about the weaknesses of Electronic Voting, and then did a "System Analysis" approach on how to use those weaknesses to their party's advantage in the next Election. The weaknesses are seen not only in General Election contests with the Republicans, but also in Democrat Primaries where there are "favored" candidates. "Revolutionary" was the 24 May 2022 DeKalb County Georgia Democrat Primary where the 3rd Place Candidate DEMANDED an Hand Count of the Paper Ballots that proved the Electronic Vote Count systems UNDER-Counted by 2810 votes. She went from 3rd to 1st, to win.

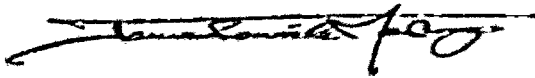
Yet as a both an Electronic Security analyst and an accomplished American Historian, Petitioner analyzed the "CAUSE" for Election Theft to originate in the Election of 1796 where the Framers' Vision was overturned and undermined by the "Winner Take All" innovation used in New York, that took all the Electors and "gave to" John Adams, whereas if the 4 Republican Districts had voted by District for Republican Electors, as was probable, Jefferson would have won 72 to 67 over Adams. If PA, VA, and NC had used the "Take All" Electors innovation, Jefferson would have won 71 to 68 over Adams. The 17th Amendment could be read to require District based Popular Vote for appointment of Electors to replace the 1796 "Take All" Innovation that enables and encourages Power Brokers to "Steal" Elections in Precincts & Counties to "Take All" the State's Electors, and thereby, enable the Power Brokers to "flip" the National Presidential Electors Election results.

CONCLUSION

The Justices of the Article III "supreme Court" can restore justice to the American Presidential Elector system by restoring the Framers' Vision as best defined by the Delegate, later Justice James Wilson, plan for States to "appoint" Electors based on Popular Vote per District, rather than "Take All" State-wide Elector "appointment" that enables Power Brokers to disenfranchise minority voters in rural Districts.

The petition for a writ of certiorari should be granted and for such grant, I pray.

Respectfully submitted,



Date: 21 July 2023